

	<b>INDIANA DEPARTMENT OF CHILD SERVICES CHILD WELFARE MANUAL</b>	
	<b>Chapter 4:</b> Assessment	<b>Effective Date:</b> June 1, 2015
	<b>Section 11:</b> Interviewing the Alleged Perpetrator	<b>Version:</b> 4

## **POLICY [REVISED]**

The Indiana Department of Child Services (DCS) will conduct a face-to-face interview with the alleged perpetrator of Child Abuse and/or Neglect (CA/N) unless:

1. An attorney representing the alleged perpetrator informs DCS that his or her client will not participate in an interview;
2. The alleged perpetrator's identity is unknown or he or she cannot be located;
3. The alleged perpetrator is a **child and** the parent, guardian, or custodian does not give consent to an interview; or
4. The alleged perpetrator has already been interviewed by a Law Enforcement Agency (LEA) regarding the same allegations and DCS is able to obtain a copy of the written report, transcript and/or recording of the interview.

If the alleged domestic violence offender is not the alleged perpetrator of CA/N, he or she must still be interviewed. The purpose of this interview is to thoroughly assess the safety of the child(ren).

DCS will immediately discontinue an interview if an alleged perpetrator requests an attorney.

**[REVISED]** If the alleged perpetrator is a child, DCS will seek a joint interview with LEA. DCS will not interview an alleged child perpetrator without LEA present unless LEA declines or is unavailable for participation. DCS will obtain consent to interview all alleged child perpetrators by completing the [Consent of Parent, Guardian, or Custodian to Interview Child\(ren\) \(SF 52013\)](#). DCS staff (including the Local Office Attorney) is not authorized to waive any rights of an alleged perpetrator child/youth (including a child/youth adjudicated a Child In Need of Services (CHINS)) who is subject to a DCS assessment of allegations regarding CA/N or criminal investigation.

**[REVISED]** DCS will coordinate with LEA when conducting interviews with alleged perpetrators who are in police custody or under investigation. If DCS is unable to coordinate a joint interview within the 30 day assessment timeframe, DCS should be mindful of LEA's role and should make LEA aware that DCS must proceed in accordance with the safety of the child with efforts to interview the alleged perpetrator so that LEA can plan accordingly. These situations should be staffed and documented with an FCM Supervisor.

### Code References

N/A

## **PROCEDURE**

**[NEW]** To maintain worker safety during an interview with the alleged perpetrator, the Family Case Manager (FCM) will:

1. Plan for the FCM's own safety prior to and during the interview;
2. Consider conducting the interview in a place where others are present (DCS local office, neutral location or consult with Supervisor for additional suggestions);
3. Consider completing a joint assessment with LEA if the FCM has assessed that the situation could be unsafe. See Practice Guidance for additional information regarding interviewing alleged perpetrators.

**[NEW]** In all assessments being completed jointly with LEA, the FCM will coordinate a joint interview with the alleged perpetrator. If a joint interview is not possible within the 30 day assessment timeframe, DCS should be mindful of LEA's role and should make LEA aware that DCS must proceed in accordance with the safety of the child with efforts to interview the alleged perpetrator so that LEA can plan accordingly. These situations should be staffed and documented with an FCM Supervisor.

In domestic violence assessments, prior to making face-to-face contact with the alleged perpetrator, the FCM will inform the non-offending parent of the time and location of the interview with the alleged domestic violence offender, if possible.

In all assessments, prior to starting the interview, the FCM will:

1. **[NEW]** Obtain consent to interview all alleged **child** perpetrators by completing the [Consent of Parent, Guardian, or Custodian to Interview Child\(ren\) \(SF 52013\)](#);

**[NEW] Note:** If the child's parent, guardian, or custodian is unable to be located by utilizing diligent search, DCS must request the Court to name a guardian for the child. See separate policy, [4.0 Diligent Search](#) for additional information.

In Institutional Child Protection Unit (ICPS) assessments written electronic consent (i.e., text, fax, scan or email) is acceptable. If consent is received electronically, the [Consent of Parent, Guardian, or Custodian to Interview Child\(ren\) \(SF 52013\)](#) should be mailed to the parent, guardian or custodian for signature.

2. Secure identifying information and request the individual's Social Security number (SSN);
3. State the reason for the interview;
4. Explain that it is in the best interest of the alleged child victim's safety and well-being that the alleged perpetrator cooperates and completes an interview;
5. Inform the alleged perpetrator that any information he or she shares during the interview may be released to LEA, the Prosecutor, and/or other sources. If the alleged perpetrator is a child and the FCM is not reasonably assured that the child understands this statement, the FCM will make every effort to have the child's parent, guardian, or custodian present before starting the interview; and
6. Assure that the alleged perpetrator understands that he or she is free to end the interview at any time.

If the alleged perpetrator refuses the interview, the FCM will:

1. Explain that if the FCM cannot verify that the child is safe by completing the interview, the child may have to be removed if the alleged perpetrator is a parent, guardian, or custodian;
2. Explain that the CA/N assessment will move forward regardless of the alleged perpetrator's participation in an interview; and

3. Follow-up at a later time<sup>1</sup> with the parent, guardian, or custodian to see if he or she will agree to be interviewed.

During the interview the FCM will:

1. Stop the interview if the alleged perpetrator requests to end the interview, requests an attorney or if LEA indicates that the interview should be halted;

**Note:** Contact the Local Office Attorney if this impedes the completion of your assessment.

2. **[REVISED]** Engage the alleged perpetrator in an assessment that is respectful and structured;
3. Ask questions to establish the type of relationship the alleged perpetrator has with the alleged victim;
4. **[REVISED]** Refrain from disclosing any information provided by the non-offending parent or child(ren) during the interview. Refer only to information provided from 3<sup>rd</sup> party reports (e.g., LEA, court documents, etc.);
5. Take detailed notes or assure that detailed notes are taken by LEA or another FCM, if possible;
6. Allow the alleged perpetrator to respond to each allegation;
7. Allow the alleged perpetrator to tell his or her “side of the story”;
8. Focus the interview on the safety of the child(ren);
9. Observe and ask questions about indications of CA/N;
10. **[REVISED]** Identify any children of the alleged perpetrator who do not reside with the alleged perpetrator and determine where they reside and with whom;
11. **[REVISED]** Ask questions to determine the level and type of access the alleged perpetrator has to the alleged child victim or other children;
12. Review with the alleged perpetrator what has been discussed to confirm comprehension;
13. Explain that the assessment is not completed, what will happen next, and how he or she will be informed of results of the assessment;
14. **[REVISED]** Verbally inform and provide the alleged perpetrator with a copy the [Notice of Availability of Completed Reports and Information \(SF 48201/CW0024\)](#) and document in the [Assessment of Alleged Child Abuse or Neglect Report \(SF 113/0311\)](#). If the alleged perpetrator is a child, provide a copy to his or her parent, guardian or custodian.
15. Inform the alleged perpetrator that he or she will be notified in writing of the right to a review of the facts of the assessment prior to an assessment finding if the alleged perpetrator is a child care worker. See separate policy, [2.3 Child Care Workers Assessment Review Process](#);
16. Inform the alleged perpetrator that if the report is substantiated, he or she will receive a copy<sup>2</sup> of the completed assessment report, or if the alleged perpetrator is a child, his or her parent, guardian, or custodian will receive a copy. See separate policy, [4.22 Making an Assessment Finding](#); and
17. Inform an alleged perpetrator (or the parents if the alleged perpetrator is a child) that if an allegation of CA/N is substantiated, he or she will also receive instructions for requesting an Administrative Review of the decision by the DCS Local Office Director, and following that a hearing for further review, if requested. See separate policy [2.1 Requests for Administrative Review](#) and if the alleged perpetrator is a child care worker see policy [2.3 Child Care Worker Assessment Review Process](#).

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<sup>1</sup> Within the timeframe required to complete a timely investigation.

<sup>2</sup> Certain confidential information will be removed from the report copy, such as the identity of the reporting source.

After the interview, the FCM will:

1. **[REVISED]** Enter interview notes electronically into MaGIK; and
2. Document in MaGIK the reasons why a face-to-face interview with an alleged perpetrator did not occur or ended prematurely, if applicable.

If the alleged perpetrator is a DCS employee, the FCM will:

1. Conduct the assessment following all policy as for any other alleged perpetrator;
2. Inform the alleged employee perpetrator that he or she must notify his or her DCS Local Office Director or work Unit Manager within one (1) business day of learning of the assessment;
3. Notify the alleged employee perpetrator's Regional Manager within one (1) business day of learning of the assessment if the alleged employee perpetrator works in a DCS Local Office;
4. Notify the DCS Human Resources Office within one (1) business day of learning of the assessment if the alleged employee perpetrator works in Central Office; and
5. Inform the alleged employee perpetrator that an Administrative Review of the assessment will be required if the assessment is substantiated.

See separate policy, [2.4 Assessment and Review of DCS Staff Alleged Perpetrators](#).

## **PRACTICE GUIDANCE**

### **Successful Interviews with the Alleged Perpetrator**

When engaging the alleged perpetrator, it is important to attempt to engage around a "mutual concern" for the safety and well-being of the child. Do not assume there is a lack of concern on the part of the alleged perpetrator. Establishing a non-adversarial tone will be most effective in gathering accurate information in a timely fashion.

**Note:** In assessments where domestic violence is alleged, the purpose of interviews with the alleged domestic violence offender is to discuss how to ensure the safety of the child(ren) not to get them to admit to the domestic violence.

Anticipate denial, minimizing, rationalization, and blaming someone or something else. Challenge the denial with observations and facts, do not "challenge" the individual. Point out statements and/or observations that are inconsistent with the explanation. Ask the alleged perpetrator to describe his or her perspective and the identified inconsistency. The FCM's tone should remain neutral and fact-oriented throughout the interview.

Assess the quality of the alleged perpetrator's relationship with the child and other family members to determine the level of risk to the child. It is important to remember that some allegations are wrong. A child may be injured due to an accident. The perpetrator may be someone else. The alleged perpetrator may be responsible but did not intend the result. While lack of intent to harm does not mean that maltreatment did not occur, it may have a positive implication for safety and risk. The FCM's questions will elicit information that is useful both in determining whether maltreatment occurred and in assessing safety and risk.

### **[NEW] Child Care Workers Assessment Review Process**

It is important to document through a thorough assessment the place of employment for all

alleged perpetrators. If it is determined that allegations will be substantiated on a person who asserts that they are employed through the education system or as a Child Care Worker, the assessment should go through the Child Care Workers Assessment Review Process regardless of whether or not the substantiated incident occurred in the course of the individual's employment. Please see separate policy, [2.3 Child Care Worker Assessment Review Process](#).

#### **[NEW] Child Care Worker**

DCS defines "child care worker" as a person who has or will have direct contact with children, as an employee, but not an owner and/or operator of:

1. Any agency that provides services to or for the benefit of children who are victims of child abuse and/or neglect (CA/N);
2. Any of the following types of facilities:
  - a. Child care center,
  - b. Child care home (whether or not required to be licensed),
  - c. Child care ministry (whether or not licensed),
  - d. Residential group home,
  - e. Child caring institution,
  - f. School,
  - g. Juvenile detention center, or
  - h. Licensed child placing agency (LCPA).
3. Any other facility that provides residential care for children; or
4. Any other agency that is a contracted service provider for DCS.
5. A home that provides:
  - a. Child care; or
  - b. Services to, or for the benefit of, children who are victims of CA/N for a child or children to whom that person is not related.

#### **[REVISED] Joint Interviews with LEA**

Whether DCS or LEA will take the lead during a joint interview should be decided on a case-by-case basis and will depend upon factors that include, but are not limited to: the nature of the allegations; the probability of criminal charges; who has more experience and training; who has better rapport with the alleged perpetrator; etc. DCS will attempt to coordinate a joint interview with the alleged perpetrator if LEA is involved. If a joint interview is not possible within the 30 day assessment timeframe, DCS should be mindful of LEA's role and should make LEA aware that DCS must proceed in accordance with the safety of the child with efforts to interview the alleged perpetrator so that LEA can plan accordingly. These situations should be staffed and documented with an FCM Supervisor.

#### **Alleged Perpetrator is the Parent, Guardian, or Custodian**

The closer the relationship between the victim and the perpetrator, the greater the risk to the child, especially for emotional abuse. It is critical that the FCM remember the alleged perpetrator, in most cases, does care about the safety and well-being of the child. The alleged perpetrator does, however, have a substantial vested interest in convincing professionals and others, including family members, that the child is either lying, mistaken, fantasizing, or emotionally disturbed. This is because potential consequences for the alleged perpetrator are dire, including loss of his or her child, family, and possibly job.

<b>FORMS AND TOOLS</b>
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1. [Notice of Availability of Completed Reports and Information \(SF 48201/CW0024\)](#)
2. [Consent of Parent, Guardian, or Custodian to Interview Child\(ren\) \(SF 52013\)](#)

<b>RELATED INFORMATION</b>
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**Social Security Numbers (SSNs)**

An FCM should request the SSN of the alleged perpetrator, but he or she cannot legally demand and/or require the disclosure of this information.

**[REVISED] LEA Present for Alleged Child Perpetrator Interviews**

When LEA is present the alleged perpetrator rights may be explained by LEA.